

PLANNING COMMISSION MINUTES OF AUGUST 8, 2005

2005-0510 – John Travis [Applicant] **Baywest Properties** [Owner]: Application for related proposals on a 32,525 square-foot site located at **1156 Aster Avenue** (near Evelyn Ave) in an M-S/ITR/R-3/PD (Industrial & Service/Industrial to Residential/Medium Density Residential/Planned Development) Zoning District. (Mitigated Negative Declaration) (APN: 213-01-026) KD

- **Special Development Permit** to construct 44 townhomes, and
- **Tentative Map** to subdivide one lot into 44 lots and one common lot.

Kelly Diekmann, Associate Planner, presented the staff report. He provided several corrections to the staff report. He said that Condition of Approval (COA) 1.E.e. should read, "Minimum distance between buildings of 20 feet" rather than 23 feet. The report calculations are consistent with the 20 foot distance. He said page 5 of Attachment D is an elevation modification that the applicant provided in relation to comments received during the Study Session. The elevation shows a variation of two feet on the roofline between units. This project was originally submitted mindful of our zoning standards of two-story and 30 feet. The unit height submitted was about 32 feet and, after discussions with staff and Planning Commission, the height was eventually increased to 36 feet. Overall, staff is supportive of the architecture and site layout. One of the issues with this area is that it is an ITR (Industrial to Residential) area and there are surrounding industrial uses. This project is the first in the area to convert to residential. A potential impact shown in the environmental Review is noise. There may be nuisances of dust and truck traffic. The applicant has been asked to record a deed declaration which makes it very clear to prospective home buyers that the adjoining uses may change from industrial, but there is no guarantee. Noise impacts and mitigations have been proposed. This project will include the first sidewalk in this block and there is no on-street parking on Aster. The site planning issues that staff has discussed with the applicant, resulted in the staff recommendation that the project plans be reduced by two units to further address the open space in the project. The plans, overall, meet the technical dimensions and minimal numbers, but staff believes the configuration of the project does not provide much large open space. Staff recommends two conditions regarding changes to usable space, to address the open space. One is the dropping of two units from the project and the second is that the private patios be widened to provide additional individual patio area. Of the two units to be reduced from the project, one would be a Below Market Rate (BMR) unit and the other a market rate unit. Staff noted that trash enclosures are proposed for the project as required by the zoning code and will most likely be positioned in the rear of property.

Comm. Simons commented to staff about the frontage setback which is a deviation that remains at 15 feet. He asked staff if there has been any discussion with the arborist about what types and scale of the landscaping that is appropriate for this area. Mr. Diekmann said the applicant has provided a proposed landscape plan and will address this, but that he believes there is adequate room for mature trees to be planted in this space. Also, Comm. Simons clarified with staff that the correction to COA 1.E.e. applies to the distance between buildings and not height.

Comm. Sulser asked staff about the boundaries of the ITR area. Staff referred to page 2 of the staff report and noted that the ITR area is three areas along the south side of Aster, one property on the north side of Aster, and five additional properties nearby as the road bends around to Willow.

Comm. Klein referred to page 7 of the report regarding two of the Aster end-units that are two-story instead of 2 ½ - story. He asked which two units this referred to. Mr. Diekmann, referring to Attachment D page 6, said they are the two perimeter units on the outside edges and not the two central units.

Chair Hungerford asked about the significance of the "ITR 4b" referenced on page 9 of the staff report. Staff said there is no particular significance as it is just part of staff numbering. He also asked how much staff is suggesting that the patios be extended. Mr. Diekmann said that the COA reads 12 to 24 inches. This will not take the patios all the way out to the sidewalks, but will narrow the landscape area between the patios and the sidewalks.

Chair Hungerford opened the public hearing.

Julia Nelson, working with c2design for the applicant, introduced **John Travis**, the applicant and current property owner. Ms. Nelson explained that this property is currently one-story office industrial use. Ms. Nelson showed the landscape plan discussing the driveways, pedestrian paths, landscaping and trees plans. Ms. Nelson clarified that the 20 feet referred to in COA 1.E.e. is actually the distance between projecting bay windows and that the building property lines are actually 24 feet apart. They have also staggered the bay windows. She said they can easily accommodate the extended patios that the staff has recommended. The plantings along Aster Street can accommodate large, deciduous trees. The common areas will have flowering trees and the parking lot will have trees to provide the allowable shade. She displayed and described the building architecture and said that they made an effort to modulate rooflines as discussed at the Study Session which resulted in the heights from 34 to 36 feet. She mentioned the roof material as slate. She also said to give an additional level of variety to the façade, that they are looking at three different material pallets and colors to provide variety. They will also incorporate wood trellis work.

Harriet Rowe, a Sunnyvale resident, commented that once again we are addressing industrial land being turned to residential. She said the architecture is nice and attractive. Her issue is the variance on the building height that is up to 36 feet when the requirement is 30 feet. She said City Council discussed this several months back and wanted the height to be kept at 30 feet. She admonished the Planning Commission to watch this closely. She is also concerned about the front setback variance and the possible overwhelming feel that the tall buildings close to the sidewalk may cause. She referred to page 6 of the report and expressed her concerns about "no notable onsite features." She also referred to page 8 that reads, "Due to the size of the project staff has not recommended inclusion of a common recreational building or meeting place..." She said she would like to see the 44 units have some kind of a meeting room.

Ms. Nelson commented regarding the setback, that the buildings are set back 15 feet from the property line, but that there is an additional 10 feet from curb. She said they have tried to modulate the height of the buildings along Aster Street and believes this mitigates the idea that the buildings would have an imposing presence on the street.

Chair Hungerford closed the public hearing.

Mr. Diekmann noted that COA 5.C. designates that the roof material should be a 50-year dimensional composition shingle. He said this was not an exclusive roof material and that the applicant has proposed a slate roof which is also acceptable. The COA could be modified to include or exclusively state "a slate roof", whichever the Commission deems most appropriate.

Comm. Babcock moved Alternative 1, to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with attached conditions including COA 5.C. to include a slate-like roof. Comm. Simons seconded. Comm. Simons requested a Friendly Amendment to add COA 9.M. that the intent of the selected trees be large species as appropriate to the site (anti-lollipop tree addition). The Friendly Amendment was accepted by maker of the motion.

Comm. Babcock said she was able to make the findings for this project. She said she likes the architecture and size of units as they will be far more affordable for a wide, medium range of buyers. She agrees with staff that the reduction of two units will make this a better project. She thinks more open space will allow the neighbors an opportunity to informally meet and get to know one another.

Comm. Simons said that the intent of the direction from City Council regarding height deviations was that these be reviewed application-by-application rather than to stop any particular deviation. He said he likes the slate roof over the composition shingle. He feels the quality of slate roof is good and that it will improve the quality of the look of the project.

Final Action:

Comm. Babcock made a motion on Item 2005-0510 for Alternative 1, to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with attached conditions; addition to Condition of Approval (COA) 5.C. to include "slate-like roof"; addition of COA 9.M. that the intent of the selected trees be "large species as appropriate to the site". Comm. Simons seconded.

Motion carried unanimously, 6-0, Comm. Moylan absent.

This item is appealable to the City Council no later than August 23, 2005.